

## REMARKS

The Office Action mailed May 4, 2007 considered claims 1, 4-10, 12 and 15-25. Claims 1, 8, 10, 12, 19, and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya et al.* (US 2004/0109023) hereinafter *Tsuchiya* in view of *Reaney et al.* (US 2004/0085334) hereinafter *Reaney*. Claims 4, 5, 15, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya* in view of *Reaney* and further in view of *Ham* ("Half-Life Gets A Voice") hereinafter *Ham*. Claims 6, 7, 17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya* in view of *Reaney* and further in view of *Levi et al.* (US 2003/0236835) hereinafter *Levi*. Claims 9 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya* in view of *Reaney* and further in view of *Heredia* (US 6,241,612) hereinafter *Heredia*. Claims 21-23, and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuchiya* in view of *Reaney* and further in view of *Chatani et al.* (US 2002/0161882) hereinafter *Chatani*.<sup>1</sup>

By this paper, claims 1, 12 and 24 have been amended<sup>2</sup>, new claims 26-29<sup>3</sup> have been added, such that claims 1, 4-10, 12, and 15-29 remain pending in the application.

As indicated in my telephonic communication to the Examiner on July 10, 2007, the claims are generally directed to indicating a voice speaker to a listener in a computing session. In particular, the claims recite that a speaker identifier, which identifies a voice speaker is associated with a visual indicator used to indicate voice speakers. The visual indicator and the speaker identifier are selectively and temporarily displayed to the listener to indicate the voice speaker who is speaking. The art cited in the present office action appears to differ from what is recited by the claims of the present application.

For example, while *Tsuchiya* does display a downward pointing arrow 91 (see Figures 6-8) and icons 93-95 representing each of the players, along with corresponding icons on the objects 61-63 themselves, it appears that the displaying of any icons adjacent to the downward pointing arrow is not selective and temporary as is now recited by the claims of the present

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the amendments can be found throughout the specification, but with particularity at page 14, beginning at line 1 through line 4, and reference to Figure 4.

<sup>3</sup> Support for the newly added claims can be found throughout the specification, but with particularity at page 14, line 14 through page 15, line 13.

application. Rather, Figures 6-8 all appear to show that the icons are continuously displayed on the objects 61-63. In contrast, the claims of the present application recite "selectively and temporarily, when the voice speaker is speaking, displaying the visual indicator and the speaker identifier adjacent to one another, on the display to indicate that the voice speaker is speaking." Thus, it appears that the claims as now recited are patentably distinct from *Tsuchiya*. The remaining art cited by the Examiner does not appear to compensate for the deficiencies of *Tsuchiya*.

Applicants would also like to point out the new dependent claims 26-29 that have been added. Each of these claims relates to various indicators about players or voice speakers. For example, claim 26 claims that a muted speaker identifier is displayed to the user. An example of this is illustrated at 372 of Figure 4. This identifier can be used, for example, to remind a listener of players that have been muted. See Applicants' disclosure at page 14, lines 14-17. While *GameSpy* does teach that one can "mute talkative players" *GameSpy* does not teach the indicators and functionality recited by claim 26.

Claims 27-29 also show a number of indicators that can be shown to provide a listener with an indication of a player's ability to communicate using voice communications. These indicators do not appear to be taught by the presently cited art. For example, claim 27 shows an indicator that a player is prohibited from speaking to the listener or hearing any voice communication from the listener. The art cited in the Office Action does not teach such an indicator. Claim 28 teaches an indicator indicating that a participant does not have a voice communicator. This does not appear to be taught by the art cited in the Office Action. Claim 29 teaches displaying an indicator indicating that a participant can hear a voice communication but does not have a microphone. This does not appear to be taught by the art cited in the Office action.

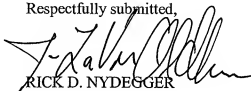
In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 6<sup>th</sup> day of August, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written over the printed name.

RICK D. NYDEGGER  
Registration No. 28,651  
J. LAVAR OLDHAM  
Registration No. 53,409  
Attorneys for Applicant  
Customer No. 47973

RDN:JLO:crb  
CRB0000005550V001